

REMARKS

A petition and fee for a one-month extension of time are enclosed herewith.

This paper is being filed in response to the Office Action dated January 22, 2010 in the above-identified patent application. In this response, claims 11 – 13 have been amended and claims 1 – 10 are now canceled, without prejudice or disclaimer. For at least the following reasons, it is respectfully submitted that the prior art does not teach or suggest the subject matter of the claims and that the pending claims are patentable.

35 U.S.C. 112 Rejections and Drawing Objections

The amendments to the claims and drawings are believed to correct the § 112 rejections and drawing objections. Applicants submit that no new matter is added by these amendments. Therefore, Applicants respectfully request reconsideration and withdrawal of the § 112 rejections and drawing objection.

Amended Independent Claim

In the Office Action, independent claim 11 was rejected as being unpatentable as being anticipated by U.S. Patent No. 5,412,853 (*Catallo*). Now, independent claim 11 has been amended to include, in relevant part, the step of “wherein the first speed is not equal to the second speed, such that as the polymeric tubular member is advanced between the opposed interior portions of the first and second traction members, the polymeric tubular member is processed by linear compression or by linear extension depending on said speed difference in order to change the tensile strain energy stored within the polymeric tubular member.” It is respectfully submitted that *Catallo* alone or in combination with the other cited references, do not teach or suggest the subject matter of amended independent claim 11 and its dependent claims.

Catallo is directed to a caterpillar traction apparatus which is used to pre-shrink a sheet of fabric. Most notably, *Catallo* nor any of the other cited references teach or disclose a method of processing a polymeric tubular member by passing the member between traction members and using a speed difference in order to change the tensile strain energy stored within the polymeric tubular member. Therefore, Applicants respectfully submit that *Catallo* does not disclose each and every limitation of amended independent claim 11 as required to anticipate these claims under 35 U.S.C. § 102(b).

Accordingly, for at least the above discussed reasons, it is respectfully submitted that independent claim 11 and dependent claims 12-13, which include all of the features of independent claim 11 are not anticipated or made obvious by the cited prior art references.

It is submitted that the above amendments place the application in condition for allowance. Accordingly, a favorable action is respectfully requested. It is believed that no other fees are due with this reply. However, if a fee should be required, the Commissioner is authorized to charge our Deposit Account No. 50/1039.

Respectfully submitted,

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